

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

TURN OF THE CENTURY SOLUTION, L.P.	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 05-158 (SLR)
	)	
FEDERAL SIGNAL CORPORATION, and	)	
ELGIN SWEEPER COMPANY,	)	
	)	
Defendants.	)	

**ANSWER**

Defendants Federal Signal Corporation (“Federal Signal”) and Elgin Sweeper Company (“Elgin”) for their Answer to the Amended Complaint for Patent Infringement (D.I. 18) hereby demand a trial by jury on all issues so triable and respond to the allegations in the Amended Complaint for Patent Infringement as follows:

1. Federal Signal and Elgin are without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1.
2. Federal Signal and Elgin admit the allegations of paragraph 2.
3. Federal Signal and Elgin admit the allegations of paragraph 3.
4. Federal Signal and Elgin admit that this Court has jurisdiction of this action pursuant to 28 U.S.C. § 1338, as it arises under the Patent Act, 35 U.S.C. § 1 *et seq.*, as amended, and that venue is proper in this judicial district under 28 U.S.C. § 1391 and 1400(b), as to Federal Signal and Elgin. To the extent the allegations of paragraph 4 do not pertain to Federal Signal and Elgin, Federal Signal and Elgin are without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4.

5. Federal Signal and Elgin admit that United States Letters patent No. 5,600,836 (the “’836 patent”), entitled “System and Method for Processing Date-Dependent Information Which Spans One or Two Centuries,” was issued by the United States Patent and Trademark Office on February 4, 1997 and that the Amended Complaint for Patent Infringement attaches a copy of the ’836 patent as Exhibit A. Federal Signal and Elgin deny that the ’836 patent was “duly and legally” issued. Federal Signal and Elgin are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 5.

6. Federal Signal and Elgin admit that United States Letters patent No. 5,835,909 (the “’909 patent”), entitled “System and Method for Processing Date-Dependent Information Which Spans One or Two Centuries,” was issued by the United States Patent and Trademark Office on November 10, 1998 and that the Amended Complaint for Patent Infringement attaches a copy of the ’909 patent as Exhibit B. Federal Signal and Elgin further admit that the named assignee on the face of the ’909 patent is plaintiff Turn of the Century Solution, L.P. (“TOCS”). Federal Signal and Elgin deny that the ’909 patent was “duly and legally” issued. Federal Signal and Elgin are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 6.

7. Federal Signal and Elgin deny the allegations contained in paragraph 7.

8. Federal Signal and Elgin deny the allegations contained in paragraph 8.

9. Federal Signal and Elgin deny the allegations contained in paragraph 9.

## **AFFIRMATIVE DEFENSES**

### **First Defense**

1. The Amended Complaint for Patent Infringement fails to state a claim upon which relief may be granted.

### **Second Defense**

2. Federal Signal and Elgin have not infringed, contributed to the infringement of, or induced infringement of, either directly or indirectly, any of the claims of the '836 and '909 patents.

### **Third Defense**

3. On information and belief, Federal Signal and Elgin believe that, after a reasonable opportunity for further investigation and discovery, one or more claims of the '836 and '909 patents will be found to be invalid for failure to comply with the United States patent laws embodied in 35 U.S.C. §§ 100, *et seq.*, including, but not limited to, one or more of the following: 35 U.S.C. §§ 102, 103 and 112.

### **Fourth Defense**

4. TOCS's claims against Federal Signal and Elgin are barred, in whole or in part, by the doctrines of waiver, estoppel, acquiescence and/or laches.

### **Fifth Defense**

5. TOCS's damages claims against Federal Signal and Elgin are, in part, time barred under 35 U.S.C. § 286.

WHEREFORE, Federal Signal and Elgin pray for the following relief:

- a. That TOCS's Amended Complaint for Patent Infringement be dismissed with prejudice;
- b. That TOCS take nothing by its Amended Complaint for Patent Infringement;
- c. That Federal Signal and Elgin be awarded its attorney's fees and costs pursuant to 35 U.S.C. §285 or as otherwise permitted by law; and
- d. That Federal Signal and Elgin be awarded such other and further relief as the Court may deem just and equitable.

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*Attorneys for Defendants Federal Signal  
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Dated: July 11, 2005

**CERTIFICATE OF SERVICE**

I, Glenn C. Mandalas, hereby certify that on July 11, 2005, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

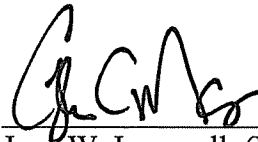
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I further certify that I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

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